

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-111

vs.

KYLE RUTHERFORD,

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

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**ORDER ADOPTING IN FULL THE REPORT AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE (Doc. No. 38)**

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This criminal case is before the Court on the Report and Recommendation of the Magistrate Judge, recommending that the Court accept Defendant's guilty plea. Doc. No. 38. There being no objections, the Court **ADOPTS** the Report and Recommendation in full. The Court accepts Defendant's plea of guilty as charged in the First Superseding Information, which charges him with two counts of knowingly engaging in a sexual act, as defined in 18 U.S.C. § 2246(2), with another person when that person was incapable of appraising the nature of the conduct, in violation of Title 18 U.S.C. § 2246(2)(A). Doc. No. 33 at PageID 95. The Court will defer the decision of whether to accept the plea agreement until the sentencing hearing on **December 15, 2023, at 2:00 p.m.**

**IT IS SO ORDERED.**

October 13, 2022

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge